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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,602	12/08/1999	FLORENCE C.I. PAGAN	9506-9A	9056

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EXAMINER

KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/458,602

Applicant(s)

PAGAN ET AL.

Examiner

Paula W. Klimach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 01/18/07. Therefore, presently pending claims are 1 and 3-15.

Response to Arguments

Applicant's arguments filed 01/18/07 have been fully considered but they are not persuasive because of following reasons.

Applicant argued that Teare is directed to a system whereby a mobile node having encrypted material may receive an access key for decrypting the material in response to a match between the position history of the mobile node and acceptable position history data maintained at a central facility. However the claimed invention grants access to a network based on location information. This is not found persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., grants access to a network based on location information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Instead the claim refers to identifying attribute comprising an indication of the location from which the request was received based upon a packet received by the gateway device. Therefore access is granted based on an indication of the location from which the request was received. This being so, the indication of the location from which the

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request was received in the system of Teare corresponds to the position history of the mobile node.

In response to applicant's argument that Teare and Bartoli are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Teare teaches gaining access to the communications from the central CPU using position history. By gaining the key, the user gains access to the network because the data from the network is available to the user.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, because mobile devices provide limited control over transmission and mobile phones are becoming more common, it is beneficial to use the information of the position history to allow access to data as in Teare in the system of Zhang.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7, 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (6,253,327) in view of Bartoli et al (6,047,268) and further in view of Teare et al. (5,243,652).

In reference to claims 1 and 9, Zhang discloses a method for authorizing, authenticating and accounting users having transparent access to a destination network (abstract), wherein the users otherwise have access to a home network through home network settings resident on the user's computers, and wherein the users can access the destination network without altering the home network settings, comprising:

Receiving at a gateway device a request from a user for access to the destination network (column 6 lines 24-32 in combination with column 7 lines 8-10). The user (host) requests access to the network by using the dial up networking application.

Identifying an attribute associated with the user based upon a packet received by the gateway device. The authentication packet includes information like the user-name and private password, which are attributes associated with the user, and the packet is sent to the gateway from the host (user). The applicant discloses a packet that is transmitted from the user's computer, wherein the user's computer remains configured for accessing the home network. Zhang discloses a similar system wherein the packet is transmitted from the user's (host's) computer while remaining configured to access the home network because the system is still able to access the public network while accessing information on the private network (column 5 lines 20-40). Zhang's system requires no additional configuration software installed on the user's

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computer to access the destination network, since the user does not have to log on again to access other networks (column 7 line 66 to column 8 line 7).

Accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user (column 7 lines 12-17).

Determining if the user is entitled to access the destination network based upon the user profile ((column 7 lines 12-17)).

Although Zhang discloses the authentication, authorization, and accounting performed in the gateway, however, Zhang does not expressly disclose a system wherein no special authentication software need be installed on the user's computer to access the destination address.

Bartoli discloses the authentication, authorization, and accounting performed in the gateway, however, Bartoli disclose a system wherein no special software (configuration software) need be installed on the user's computer to access the destination address (column 3 lines 42-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the browser in the authentication system of Bartoli in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because it would reduce the cost of putting up the system since the cost of the special software would.

Neither Zhang nor Bartoli disclose a system wherein the attribute comprises an indication of the location from which the request was received.

Teare discloses a system wherein the attribute comprises an indication of the location form which the request was received (column 3 lines 4-18).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the positioning system of Teare so as to maintain the position information and send it as an attribute in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because mobile devices provide limited control over transmission (column 1 lines 10-20) and mobile devices are becoming more common.

In reference to claim 2, wherein a location identifier is assigned to the location from which requests for access to the destination network are transmitted, and wherein the location identifier is the attribute associated with the user (column 8 lines 18-36).

In reference to claims 7 and 11, wherein determining if the user is entitled to access the destination network further comprises denying the user access where the user profile indicates that the user is denied access (fig. 5 in combination with column 7 lines 25-30).

In reference to claim 12, wherein the AAA server is located within the gateway device. The Authentication, Authorization and Accounting server is located within the device that contains the SSG therefore the whole unit would work as a gateway device (Fig. 4).

In reference to claim 13, wherein the user profile database includes a plurality of user profiles, wherein each respective user profile of the plurality of user profiles contains access information (column 7 lines 12-17). Zhang discloses the user profiles and therefore a plurality of user profiles are stored. The profiles are also unique to the user and are used for authentication therefore they are used for access information.

In reference to claim 14, wherein the user profile database is located within the AAA server (column 7 lines 12-17).

Claims 3-6, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of Bartoli and further in view of Teare et al. as applied to claims 1 and 9 above, and further in view of Lim et al (6,434,619 B1).

In reference to claim 3, wherein the user database is updated when a new user accesses the destination network.

Zhang does not expressly disclose a system wherein the database is updated when a new user accesses the destination network

Lim discloses a system in which the database is maintained (column 4 lines 36-38), therefore when there is a new user the database would be updated, since updating is a part of maintaining.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain the database for new users as the method of Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because this would enable the system to increase the number of user's when the amount of memory allows.

In reference to claim 4, wherein a historical log of the user's access to the destination network is maintained in the user profile.

Zhang does not expressly disclose a historical log of the user's access to the destination network being maintained in the user profile.

Lim discloses a log kept of the time and date when the user accessed their account on the network (column 7 lines 27-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain a historical log of the user's access to the destination network as in the method by Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because it would assist in keeping track of user activity.

In reference to claim 15, wherein each respective user profile contains historical data relating to the duration of destination network access for use in determining the charges due for the destination network access (column 7 lines 27-38).

In reference to claims 5 and 10, Zhang does not expressly disclose a system wherein the attribute associated, with the user is based upon a VLAN ID assigned to the location from which the request for access to the destination address was transmitted.

Lim discloses a system in which the ID that is associated with the location from which the request for access to the destination address was transmitted. The ID is the IP address of the user (column 9 lines 11-15).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use and ID associated with the location from which the request for access to the destination address was transmitted. One of ordinary skill in the art would have been motivated to do this because the user would then not be able to discover the existence of other users because they would only be able to access their own information.

In reference to claim 6, Zhang does not expressly disclose a system wherein receiving at the gateway device a request from a user for access comprises the step of receiving an Internet destination address from the user (Fig. 4).

Lim discloses a system that includes the domain of the destination server. This is equivalent to the Internet destination address.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive the Internet destination address as in the method disclosed by Lim at the gateway device of the system disclosed by Zhang. One of ordinary skill in the art would have been motivated to do this because the Internet destination address is used to determine which network the user is gaining access to.

In reference to claim 8, wherein determining if the user is entitled to access the destination network further comprises directing the user to a login page where the user profile is not located within the user profile database (Lim, column 4 lines 19-24 in combination with column 4 lines 36-38).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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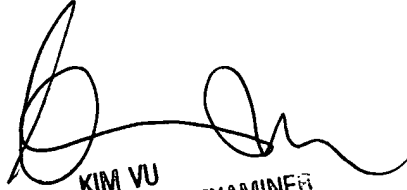
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Tuesday, February 27, 2007



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